THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25248 of 2006

Dated:23.01.2007

Between:

Dasari Venkata Subbamma.

…Petitioner

and

The Divisional Panchayath Raj Officer, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25248 of 2006

ORDER:

The petitioner is a resident of Pulivendula in Kadapa District. She claims to be the owner of land admeasuring Acs.2.13 guntas in Survey Nos.130, 131 and 132 situated at Pulivendula in Kadapa District, which she got under a registered Settlement Deed dated 30.01.1987 executed by her father-in-law. She claims to be in possession of the said property. She alleges that under the pretext of laying a road, the authorities are trying to dispossess her without due process of law. She alleges that the authorities proposed to lay the road connecting the bypass road. In this Writ Petition she seeks a writ of mandamus declaring the action of the respondents in trying to dispossess her as illegal and arbitrary.

On 06.12.2006 this Court ordered *status quo* while ordering notice before admission. It is brought to the notice of this Court that subsequently, the petitioner filed a Contempt Case, being C.C.No.7 of 2007, alleging the violation of the order of this Court. In the said Contempt Case, the Mandal Revenue Officer, Pulivendula Mandal, filed a counter affidavit, and that after perusing the same, this Court closed the Contempt Case.

A copy of the counter affidavit filed in C.C.No.7 of 2007 is placed before this Court. Para 2 thereof reads as under.

> I submit that the absolutely there were no proceedings initiated from the Revenue Department for formation of bypass road covering the lands in survey Nos.130, 131 and 132 at Pulivendula Village and Mandal and therefore, the question of interference with the possession of the petitioner over the said land by the respondents does not arise. I respectfully submit that the respondents 3, 4 and 6 have never visited the land in survey Nos.130, 131 and 132 and they have never tried to dispossess the petitioner. I deny the allegation that the Mandal Revenue Officer along with Deputy Executive Engineer went to the lands of the petitioner and dig the land with proclainers. The 6th respondent never visited the land along with Deputy Executive Engineer and they have not dug the land with the

proclainer…

In view of the above, the allegations made in the affidavit accompanying the Writ Petition are not sound. Nonetheless, be it observed that if the land of the petitioner is required for laying the road, as alleged, the respondents have to follow due process of law.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

23.01.2007
vs